

RESOLUTION NO. 2025-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, DETERMINING THAT THE UNSOLICITED PROPOSAL FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF THE CITY'S PUBLIC GOLF COURSE IS IN THE PUBLIC INTEREST; DIRECTING THE PUBLISHING OF THE REQUIRED REPORT IN THE FLORIDA ADMINISTRATIVE REGISTER; AUTHORIZING THE NEGOTIATION AND PREPARATION OF A COMPREHENSIVE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the "City") owns the City of Key Colony Beach Golf Course, a public par-3 golf course located at 460 8th Street, Key Colony Beach, Florida, and consisting of approximately fourteen (14) acres and associated improvements (the "Golf Course"); and

WHEREAS, on September 8, 2025, the City received an unsolicited proposal, pursuant to Section 255.065, F.S., for the management, operations, and maintenance of the Golf Course (the "Proposal"); and,

WHEREAS, the Proposal was submitted by D. Rice Management, Inc. (the "Proposer"); and,

WHEREAS, the City desires to proceed with the Proposal without engaging in a public bidding process; and,

WHEREAS, the City held a duly noticed public meeting on October 16, 2025, at which meeting the Proposal was presented, and affected public entities and members of the public were allowed to provide comments on the Proposal; and,

WHEREAS, the City now desires to proceed with the unsolicited Proposal without engaging in a public bidding process, as authorized by Section 255.065(3), F.S.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA AS FOLLOWS:

Section 1: That the foregoing recitals are hereby incorporated by reference.

Section 2. That the City Commission of the City of Key Colony Beach, Florida, hereby deems the Proposal to be to be for a "qualifying project" (recreational and/or sporting facilities) as defined by Section 255.065(1)(i), F.S.

Section 3. That the City Commission of the City of Key Colony Beach, Florida, hereby determines that the Proposal is in the public interest. In making this public interest determination, the City has considered all the following factors, in accordance with Section 255.065(3)(c), F.S.:

A. The benefits to the public:

1. The City has a comprehensive system of public parks and recreation, thereby adding to the quality of life of its citizens and community, and enhancing the public health, welfare, wellness, and quality of life.
2. The Golf Course is an integral part of the City's recreational system, providing access to golfing activities to the general public.
3. The Proposal will maximize the management, operations, and maintenance of the Golf Course for the public, while minimizing costs and other obligations that the City would otherwise incur in the self-management, operation, and maintenance of the Golf Course.
4. The Proposal will help the City further market itself as a vibrant and desirable place to live, work, and play, thereby serving as a catalyst for the City's future economic and social well-being.
5. The Proposal establishes increased benefits to the public in providing a public golf course than the City could otherwise provide on its own.
6. The Proposal will allow the City to provide increased public benefits to the general public

B. The financial structure of and the economic efficiencies achieved by the proposal:

1. The Proposal establishes and delineates the allocation of revenue, costs, expenses, and financial risk amongst the parties.
2. The City shall receive fair market value rents, including escalatory rent provisions, as well as other compensation and/or reimbursements.
3. The Proposal provides for the professional management, operation, and maintenance of the Golf Course, at a level greater than that which the City itself could otherwise achieve.
4. The Proposal contemplates certain obligations be imposed upon the City. However, these obligations are consistent with the purpose and structure of the Proposal, and the City has no direct financial responsibility or exposure to the project contemplated by the Proposal. Further, any such obligations imposed upon the City will be substantially less than if the City itself were to undertake the purposes of the Proposal.
5. The City will not be responsible for any losses or financial obligations incurred by the Proposer.
6. The Proposer will not be required to undertake any financing to accomplish the purposes of the Proposal, other than that as may be required in the ordinary course of its business.

7. The Proposal, by assigning the responsibility of managing, operating, and maintaining the Golf Course, will reduce the impact on the City staff and its related resources.
8. The Proposal therefore provides maximized economic efficiencies in the management, operations, and maintenance of the Golf Course.

C. The qualifications and experience of the private entity that submitted the proposal and such entity's ability to perform the project:

1. The Proposer has been actively engaged in all aspects of the management, operations, and maintenance of a public, par-3 golf course for more than sixteen (16) years.
2. The Proposer's principal owner, Daryl Rice, has similar substantial experience in operating, maintaining and managing public golf courses.
3. The Proposer and its principal owner have extensive experience in all aspects of managing, operating, and maintaining a public golf course, including a knowledge of relevant statutes, rules, ordinances and regulations concerning the same, specifically including those which are applicable within the City.
4. The forthcoming comprehensive agreement will have adequate safeguards in place to ensure full compliance with Section 255.065, F.S.

D. The project's compatibility with regional infrastructure plans:

1. As the Golf Course has been in existence since circa 1959, and as the Proposal does not include any expansion or other changes from its current configuration and operations relating to infrastructure needs, the City finds that the project contemplated by the Proposal is compatible with regional infrastructure plans.
2. The Proposal will not require any amendments to the City's Code of Ordinances, Land Development Code, Plans, zoning classifications, or similar regulatory changes.
3. Based upon numerous past assessments and discussions regarding recreational activities within the City, the City concludes that the Proposal constitutes a qualified project that is consistent with all regional projects and regional infrastructure plans.

E. Public comments submitted at the duly noticed public meeting of October 16, 2025:

1. Two members of the public provided comments at the duly noticed public meeting on October 16, 2025, and four members of the public provided written comments in advance. Each of these members of the public supported the Proposal, stated that they believed the Proposal to be in the public interest, and that the Commission should proceed with the Proposal.

2. No public comments were received that the Proposal was not in the public interest, or that the City should not proceed with the Proposal. Further, no public comments suggested or requested any changes to the terms of Proposal.
3. The City and the public will have further opportunities to review, consider, and comment upon the comprehensive agreement for the management, operation, and maintenance of the Golf Course. The City believes the public comments made at that time will be sufficiently addressed in the forthcoming comprehensive agreement.
4. The City finds that the Proposal should proceed after due consideration of the public comments received, all of which supported the Proposal and the City's determination that the Proposal is in the public interest.

Section 4. That the City considered the following factors in making its public interest determination:

- A. Consistency with the City's Comprehensive Plan, Code of Ordinances and Land Development Code, and all other applicable laws, rules and regulations.
- B. Financial feasibility and the economic viability of the project.
- C. Economic, social, health, well-being and quality of life benefits to the public.
- D. Proper allocation of risk and responsibility between the City and the Proposer.
- E. Public input.

Section 5. That the City, based on all the foregoing, makes the following findings based on each considered factor:

- A. The Proposal is consistent with the City's Comprehensive Plan, Code of Ordinances and Land Development Code, and all other applicable laws, rules and regulations.
- B. The Proposal is financially feasible and is economically viable.
- C. The Proposal provides substantial benefits, and promotes and advances the economic, social, health, well-being and quality of life of the public.
- D. The Proposal establishes a proper and reasonable allocation of risk and responsibility between the City and the Proposer, and which will be further ensured and detailed in the comprehensive agreement.
- E. The Proposal was unanimously support by all public comments. Further, the City and public will have further opportunities to review, consider, and comment upon the comprehensive agreement for the management, maintenance and operations of the Golf Course. The City believes the public comments made at that time will be sufficiently addressed in the forthcoming comprehensive agreement

Section 6. That the City, based upon the foregoing including all public comments which were in favor of finding the Proposal and that the Proposal is in the public interest, determines that the Proposal is in the public interest and that the Proposal should proceed.

Section 7. That the City Administrator is hereby directed to publish in the Florida Administrative Register for at least seven (7) days, the Report as required by Section 255-065(3)(d), F.S., to include: (1) the public interest determination; (2) the factors considered in making such public interest determination; and (3) the findings based on each considered factor.

Section 8. That the City Attorney is hereby authorized to negotiate and prepare a Comprehensive Agreement with the Proposer, to effectuate the intent of this Resolution, which Comprehensive Agreement to be considered by the City Commission at the appropriate time and after the filing of the Report in the Florida Administrative Register.

Section 9. That the City Administrator is hereby authorized to take all necessary actions to effectuate the intent of this Resolution.

Section 10. That this Resolution shall go into effect immediately upon its passage and adoption.

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SIGNATURE PAGE TO FOLLOW]**

PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its regular meeting of the City held on the 20th day of November 2025.

**FINAL VOTE AT ADOPTION
CITY COMMISSION OF KEY COLONY BEACH**

Mayor Freddie Foster
Vice Mayor Doug Colonell
Commissioner Tom Harding
Commissioner Tom DiFransico
Commissioner Kirk Diehl

NO _____	YES <u>✓</u>
NO _____	YES <u>✓</u>
NO _____	YES <u>✓</u>
NO _____	YES <u>✓</u>
NO _____	YES <u>✓</u>


Freddie Foster, Mayor

ATTEST:


Silvia Roussin, City Clerk

(City Seal)

Approved as to form and legal sufficiency:


Dirk M. Smits, B.C.S., City Attorney